

noting that the original error identified in the previous oath/declaration is no longer applicable;

3) The reissue supplemental oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to currently support the reissue application;

4) The reissue oath/declaration filed with this application is defective because the error originally identified is no longer applicable as that error can not be used as a ground to support the reissue; and

5) Claims 1-2 are rejected as being based upon a defective supplemental reissue oath/declaration under 35 U.S.C. 251 as set forth above.

It is respectfully submitted that the Declaration and Power of Attorney for Patent Application, which is submitted with this response, obviates the above listed issues. More specifically, this newly submitted document clarifies that the original patent was partly inoperative or invalid by reason that the patentee claimed less than the patentee had a right to.

That is to say, as averred to in the newly submitted document, in the Decision on Appeal mailed on January 16, 2002 relative to the appeal filed on October 10, 2000, it was held from page 5, line 13 to page 6, line 5, that "A fair reading of Fontaine supports the appellant's view that the reference discloses a pressure sensitive sheet sensor composed of separator 1, wire mesh contact sheets 2 and 3, conductive contacts 4 and arguably delay circuit 7. A person of ordinary skill in the art would readily appreciate that it is only through the cooperative interaction of these elements that the Fontaine device is capable of sensing pressure (i.e., the weight of a person sitting on the device). The delay circuit 7 does not, in and of itself, perform this function and thus does not alone meet the 'pressure sensitive sheet sensor' limitation in claim 11 as urged by the examiner. Since Fontaine does not disclose a seat pad

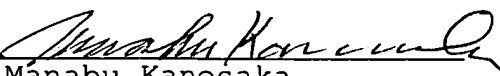
having a slit as defined by claim 11 for receiving the foregoing pressure sensitive sheet sensor components it does not respond to each and every element of the invention set forth in the claim."(emphasis added).

In other words, the above Board decision indicated that Fontaine does not disclose the "pressure sensitive sheet sensor" and the "slit." However, claim 11, as allowed, contained at least the unnecessary limitation that "said seat pad having a slit extending horizontally from a rear peripheral side of the seat pad to a middle area of the seat pad"(emphasis added). Therefore, inasmuch as the pressure sensitive sheet sensor and the slit were not disclosed in Fontaine, as confirmed by the Decision on Appeal, it is submitted that claim 11 was unnecessarily limited with respect to these features and the Applicant therefore submits that the original patent is partly inoperative or invalid by reason of the patentee claiming less than patentee had the right to claim in the patent.

If any further amendment or paper is required, please advise the undersigned agent.

Respectfully Submitted,

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